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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,675	03/29/2004	Gary Babcock Gordon		3577

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Gary Gordon  
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Saratoga, CA 95070

EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT PAPER NUMBER

2635

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/812,675

Applicant(s)

GORDON, GARY BABCOCK

Examiner

Timothy Edwards, Jr.

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,7,8,12-15,20,21,24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Waldman '175.

Considering claim 1, Waldman discloses a method and apparatus for pre-identification of keys and switches, the apparatus comprising, a) a user input module (see col 4, lines 48-55 and fig 2, item 2-1a); b) a wireless transmitter module coupled to the user input module, the transmitter operable in response to user operation of the user input module to transmit a remote control signal corresponding to the user operation (see col 4, lines 61-67 and col 14, lines 26-41). Even though Waldman does not specifically recite a wireless transmitter module, Waldman does recite the use of his system in a remote control unit. One of ordinary skill in the art readily recognizes the use of a transmitter module is a standard component of a remote control unit. The use of a transmitter module in a remote control unit is well known in the art. Therefore, it is inherent the remote control unit of Waldman would possess all the standard components associated with a remote control device (to include a transmitter module); c) a speech module coupled to the user input module, the speech module operable to generate a speech

signal indicative of the user operation (see col 6, lines 26-34, col 9, lines 15-26 and fig 2, item 2-4).

Considering claim 7, Waldman discloses the limitation of this claim see col 10, lines 54-58.

Considering claims 8,14 the limitations of these claims are interpreted and rejected as stated in claim 1.

Considering claims 12,15,25 the limitation of these claims are interpreted and rejected as stated in claim 7.

Considering claim 13, Waldman discloses an operation mode comprising a module requiring an additional user input before operation (i.e. hearing a speech signal before the button is pressed and then pressing the button to activate a command see col 5, line 67 to col 6, line 16).

Considering claim 20, Waldman discloses an apparatus comprising, a) an array of user-operable switches (see col 4, lines 47-55 and fig 2, item 2-1a); b) an audio transducer (see col 10, lines 54-56); c) a speech signal stored in an electronic storage and associated with each switch (see col 10, lines 59-65); except an infrared transmitter the inherency of this limitation is addressed in claim 1; except respective control signal

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capable of controlling an appliance. Waldman does recite the use of his system in a remote control unit. One of ordinary skill in the art readily recognizes a remote control unit is used to control other devices with signals which are stored within them, the inherency of this limitation is as recited in claim 1; d) operating one of the switches causes a speech signal associated the switch to be uttered by the audio transducer to provide aural confirmation as to the switch that was operated (see col 6, lines 36-43); e) operating a switch causes a control signal associated with the switch to be transmitted (see col 4, line 64 to col 5, line 5 and col 10, lines 65-68); by an infrared transmitter is addressed in claim 1.

Considering claim 21, Waldman discloses the limitation of this claim see col 6, lines 36-39.

Considering claims 24,26 Waldman discloses the limitations of these claims see col 14, lines 30-36.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waldman '175 as applied to claim 1 above, and further in view of Berthoud et al '011.

Considering claim 2, Waldman does not specifically recite a controller electrically connected to the user input module, the transmitter module and the speech module. However, Waldman discloses the use of a remote control device comprising a user input module and a speech module. Waldman discloses in col 10, lines 65-68 the use of IC's (integrated chips), which are software and firmware programmable microprocessor, which could handle keypad data acquisition and translation, as well many other tasks required by particular devices. This would suggest the use a controller and a transmitter in the remote control device of Waldman. Berthoud teaches (see col 3, lines 22-29 and fig 1) a controller electrically connected to the user input module, the transmitter module and the speech module. Therefore, it would have been obvious to one of ordinary skill in the art the Waldman would posses and connect these components as taught by Berthoud because Waldman teaches a remote control device comprising a user input module and a speech module and the use of software and firmware programmable microprocessor which could handle keypad data acquisition and translation, as well many other tasks required by particular devices.

5. Claims 3-6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldman and Berthoud as applied to claim 2 above, and further in view of Guyer '624.

Considering claim 3, Waldman does not specifically recite a selector electrically connected to the controller, the selector operable to select an operational mode of the apparatus. Waldman discloses in col 10, lines 37-51 the use of an off-and/or limiting-switches to disables all or part of the inventions functions. One of ordinary skill in the art would readily recognize a selector associated with a remote control device is well known in the art (i.e. for selecting different devices and functions). Guyer teaches the use of a selector switch see fig 1, item (70) on a talking remote control unit. Therefore, it would have been obvious to one of ordinary skill in the art to include a selector in the Waldman remote control device as taught by Guyer because Waldman teaches the use of a remote control device and a switch to disables all or part of the inventions functions. remote control device is known to control different devices and a selector is a method of selecting different devices and functions.

Considering claims 4,5 does not specifically recite an operation mode in which the transmitter or the speech module is inhibited. Guyer teaches (see col 4, lines 28-34 and col 6, lines 3-10) the use of a talking remote control having an operation mode in which the transmitter or the speech generator can be selected and either can be inhibited. Obviousness is as stated in claim 3.

Considering claim 6, Waldman discloses an operation mode comprising a module requiring an additional user input before operation (i.e. hearing a speech signal before the button is pressed and then pressing the button to activate a command see col 5, line

67 to col 6, line 16); and other module operates without additional input from the user (see col 5, lines 48-55 and col 6, lines 12-16).

6. Claims 9-11,16-19,22,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldman '175 as applied to claim 8 above, and further in view of Guyer '624.

Considering claims 9,16 the limitation of these claims are interpreted and rejected as stated in claim 3.

Considering claims 10,17,23 the limitation of these claims are interpreted and rejected as stated in claim 4.

Considering claim 11,18,22 the limitation of these claims are interpreted and rejected as stated in claim 5.

Considering claim 19, the limitation of this claim is interpreted and rejected as stated in claim 13.

### ***Conclusion***

1. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (571) 272-3067. The examiner can normally be



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reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

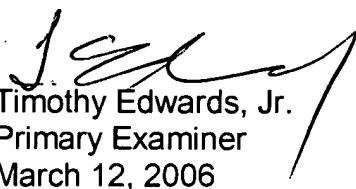
If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached at (571) 272-3068.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be fax to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Timothy Edwards, Jr.  
Primary Examiner  
March 12, 2006